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Attorney for: Secured Creditor,
Wells Fargo Bank, N.A. as Trustee under Pooling and Servicing Agreement Dated as of August
1, 2005 Asset-Backed Pass-Through Certificates Series 2005-WHQ4, it assignees and/or
successors, and the servicing agent Barclays Capital Real Estate Inc. dba HomEq

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:) Case No. 10-21264
)
Nancy Kain,) Chapter 7
)
Debtor.) DC No. MIG-1
)

Wells Fargo Bank, N.A. as Trustee)
under Pooling and Servicing Agreement) **DECLARATION IN SUPPORT OF**
Dated as of August 1, 2005 Asset-) **MOTION FOR RELIEF FROM**
Backed Pass-Through Certificates Series) **STAY (UNLAWFUL DETAINER)**
2005-WHQ4, it assignees and/or)
successors, and the servicing agent)
Barclays Capital Real Estate Inc. dba) Date: 03/16/2010
HomEq Servicing,) Time: 9:31 AM

) Ctrm.: 32, Sixth Floor
Secured Creditor,) Place: 501 I Street,
) Sacramento, CA

v.)
) Judge: Thomas Holman

Nancy Kain, Debtor; Jan P. Johnson,
Chapter 7 Trustee,

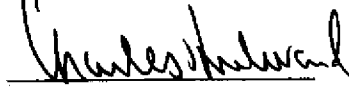
Respondents.

1 **Charles Hubbard**
I, Charles Hubbard, declare and state as follows:

- 2 1. As to the following facts, I know them to be true of my own personal knowledge, and if
3 called upon to testify in this action, I could and would testify competently thereto.
- 4 2. I am employed by Barclays Capital Real Estate Inc. dba HomEq Servicing as a servicing
5 agent for Wells Fargo Bank, National Association, as Trustee under Pooling and Servicing
6 Agreement dated as of August 1, 2005 Asset-Backed Pass-Through Certificates, Series
7 2005-WHQ4 ☐Secured Creditor☐herein, and am familiar with the subject Trust Deed and
8 loan in favor of Secured Creditor herein, and the subject Bankruptcy case.
- 9 3. I am familiar with the manner and procedure by which the records of Barclays Capital Real
10 Estate Inc., dba HomEq Servicing, are obtained, prepared, and maintained. Those records
11 are obtained, prepared, and maintained by employees or agents at Barclays Capital Real
12 Estate Inc., dba HomEq Servicing in the performance of their regular business duties at or
13 near the time, act, conditions, or events recorded thereon. The records are made either by
14 persons with knowledge of the matters they record or from information obtained by persons
15 with such knowledge. I have knowledge and/or access to the business records.
- 16 4. The subject real property securing the Deed of Trust loan is commonly known as 2161
17 Shielah Way, Sacramento, CA 95822 and legally described as:
18
19 Lot 58, as shown on the Map entitled, "Hollywood Park", filed for record in Book 21 of
20 Maps, Page 1.
- 21 5. On 6/19/2007, the date noticed for the Trustee's Sale, the property was sold at a foreclosure
22 sale. The Trustee's Deed Upon Sale was recorded on 6/28/2007, within the period provided
23 by state law for perfection. A copy of said Trustee's Deed is attached hereto marked
24 **Exhibit ☐1☐** and made a part hereof.
- 25
26 6. The Debtors filed the bankruptcy petition on 1/20/2010.
- 27 7. The Debtor continues to be in possession of the subject property without Movant's
28 permission or consent.
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1 I declare under penalty of perjury under the laws of the United States of America that
2 the foregoing is true and correct.

3 Executed on 2/12/2010 (Date) at Raleigh (City), North Carolina (State).
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6 **Charles Hubbard**

7 **Assistant Vice President**
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